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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/774,561	02/09/2004	Vincent Park	Flarion-70APP3 (95)	1112
26479	7590	06/13/2006	EXAMINER	
STRAUB & POKOTYLO 620 TINTON AVENUE BLDG. B, 2ND FLOOR TINTON FALLS, NJ 07724			DANIEL JR, WILLIE J	
			ART UNIT	PAPER NUMBER
			2617	

DATE MAILED: 06/13/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No. 10/774,561	Applicant(s) PARK ET AL.	
	Examiner Willie J. Daniel, Jr.	Art Unit 2617	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 15 December 2005.
- 2a) ☐ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-19 and 27-45 is/are pending in the application.
- 4a) Of the above claim(s) 1-19 and 27-45 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) \_\_\_\_\_ is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### DETAILED ACTION

1. This action is in response to applicant's amendment filed on 15 December 2005.  
**Claims 1-19 and 27-45** are now pending in the present application. In addition, the Examiner acknowledges applicant canceling of claims 20-26.

### *Response to Amendment*

2. The reply filed on 15 December 2005 is not fully responsive to the prior Office Action because of the following omission(s) or matter(s):
  - a. Applicant presented claims 1, 27, 35, and 42-43 that are directed to an invention distinct from and independent of the invention previously claimed. See MPEP § 821.03 and 37 CFR 1.145.  
  
See 37 CFR 1.111. Since the above-mentioned reply appears to be *bona fide*, applicant is given **ONE (1) MONTH or THIRTY (30) DAYS** from the mailing date of this notice, whichever is longer, within which to supply the omission or correction in order to avoid abandonment. **EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a).**

***Election/Restrictions***

3. Newly submitted **claims 1-19 and 27-45** are directed to an invention that is independent or distinct from the invention originally claimed for the following reasons:
- a. **Claim 1** recites the limitations "...access node to receive a data message...access node to determine a paging requirement using packet classification based on a header field included in said data message..." in line(s) 3-7 of the claim.
  - b. **Claim 27** recites the limitations "...base station including: means for receiving a data message directed to an end node...means for determining a paging requirement using packet classification based on a header field included in said data message..." in line(s) 3-10 of the claim.
  - c. **Claim 35** recites the limitations "...a communication method, the method comprising: servicing a plurality of different paging requests by allocating different amounts of a paging transmission resource to different paging requests, said paging transmission resource being one transmission power, bandwidth, frequency, and transmission time slots; and transmitting a page corresponding to one of said plurality of different paging requests over a wireless communication link using the amount of said paging transmission resource allocated to said one of said plurality of different paging requests..." in line(s) 1-11 of the claim.
  - d. **Claim 42** recites the limitations "...method of operating an access node, the method comprising: allocating a minimum fraction of paging channel capacity to a group of paging requests having a common quality of service indicator...transmitting a page

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corresponding to one of the paging requests in said group over a wireless communication link...” in line(s) 1-7 of the claim.

- e. **Claim 43** recites the limitations “...method of operating an access node, the method comprising: determining an ordering in which pages corresponding to a plurality of paging requests are transmitted based on a time constraint requirement associated with one of said plurality of paging requests...transmitting a page corresponding to said one of the paging requests over a wireless communications link...” in line(s) 1-8 of the claim.

Regarding claims 1, 27, 35, and 42-43, the limitations present an independent and distinguishable aspect of the claims that clearly differs from the originally presented invention.

Since applicant has received an action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for prosecution on the merits. Accordingly, **claims 1-19 and 27-45** are withdrawn from consideration as being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP § 821.03.

- 4. This list of examples is not intended to be exhaustive. The Examiner respectfully requests the applicant to review all claims and clarify the issues as listed above as well as any other issue(s) that are not listed.

***Information Disclosure Statement***

5. The information disclosure statement (IDS) submitted on
  - a. 08 February 2005
  - b. 29 June 2005

are in compliance with the provisions of 37 CFR 1.97 and is being considered by the examiner.

The references submitted in the IDS mailed on 29 June 2005 (i.e., item b above) are a repeat of the references submitted in the IDS mailed on 08 February 2005 (i.e., item a above). The Examiner has already considered the references in the IDS mailed on 08 February 2005 as indicated above. Therefore, the references of the IDS mailed on 29 June 2005 are lined through (i.e., crossed-out IDS) since the references have already been considered for the record.

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*Conclusion*

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Willie J. Daniel, Jr. whose telephone number is (571) 272-7907. The examiner can normally be reached on 8:30-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Marsha D. Banks-Harold can be reached on (571) 272-7905. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

WJD,JR  
08 June 2006

  
**CHARLES APPIAH**  
**PRIMARY EXAMINER**